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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,812	08/04/2000	Steven H. Coberly	9323.00001	2522

22907 7590 06/21/2002

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EXAMINER
BARRY, CHESTER T

ART UNIT	PAPER NUMBER
1724	11

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/632,812	COBERLY ET AL.
	Examiner	Art Unit
	Chester T. Barry	1724

A5-11

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-8* is/are allowed.

6)☒ Claim(s) *9-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other.

The rejection of claims 9 – 12 under 35 USC 251 for new matter is maintained.

Applicant argues that the "substantially equal" capacity of the resin resulting from the multiple cycles of regeneration is tantamount to removal of substantially all heat stable salt anions. The former observation is inapposite of the latter claimed limitation. By analogy, should one fill one's car's fuel tank with leaded gasoline,[1] then drive until it is half full, refill the tank with more leaded gasoline, and repeat the process of driving down to half-full and refilling to full several times, say, four times, one cannot say one has removed substantially all of the lead from the gas tank. Should applicant persist in objecting to this rejection, please address/point out any perceived shortcomings in the examiner's analogy.

The rejection of claim 11 on the grounds that the original application does not support "approximately 40% alkanolamine" is withdrawn in view of applicant's argument. The examiner notes that the application support "approximately 40% by weight alkanolamine" *only because* the composition of the exhaustion solution works out to approx. 3.1 wt.% KSCN, approx. 40.0 wt.% alkanolamine, and approx. 56.9 wt.% water. The skilled artisan would not have understood applicant to have been in possession of 40 wt.% alkanolamine solutions having different levels of KSCN contamination. It is noted that if the KSCN were not present in the alkanolamine solution, the weight concentration of the alkanolamine in the solution would be approx. 41.3 wt.% alkanolamine and ***not*** approximately 40 wt.% alkanolamine.

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[1] Analogous to saturating the resin with [illegible]

[illegible]

* RESPONSE, 2/26/02, page 6, line 3

Similarly, the rejection of claim 9 – 12 under 35 USC 112, first paragraph, lack of description, are maintained with respect to the "substantially all" limitation of claim 9, but not maintained with respect to the "approximately 40%" limitation of claim 11.

The recapture rejections are withdrawn.

The art rejections under §102(b) and §103 of claim 9 – 12 over Keller are maintained. Keller's disclosure of a "sole Type II resin" would have engendered with the mind of the skilled artisan reading Keller that Keller was indeed in possession of the claimed invention – and without expending a fraction of the retrospective energy necessary for applicant to find support in his own specification for "approximately 40%" noted above. In other words, if the skilled artisan is deemed by applicant to be so discerning as to deem applicant to be in possession of "approximately 40%" alkanolamine, then certainly the same standard of perception and skill compels the conclusion that explicit disclosure by Keller of a Type II resin – albeit just one perhaps – gives rise to description of the invention. Absent a teaching in Keller stating that Type II resins don't work, disclosure of one such resin renders the claimed invention anticipated.

The remaining arguments at pages 21 – 23 were also carefully considered, but are unpersuasive of patentability.

~~Chester T Barry~~

~~703-306-5921~~

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CHESTER T. BARRY
PRIMARY EXAMINER